

Applicants provisionally elect, with traverse, Claims 58-76, drawn to a server system for generating an order for a product.

Applicant respectfully traverses the Restriction Requirement and requests reconsideration and withdrawal or modification of the Requirement. “Under the statute an application may properly be required to be restricted to one of two or more claimed inventions *only if* they are able to support separate patents *and* they are either independent or distinct.” MPEP § 803 (emphasis added). Furthermore, “[i]f the search and examination of an entire application can be made without serious burden, the examiner *must* examine it on the merits, even though it includes claims to independent or distinct inventions.” MPEP § 803 (emphasis added). “[A] serious burden on the examiner may be *prima facie* shown if the examiner shows by appropriate explanation of separate classification, or separate status in the art, or a different field of search.” MPEP § 803.

Applicant respectfully submits that the examiner could make a search and examination of the entire present application without serious burden, as evidenced by the fact that both groups of claims are classified in the same class and subclass (class 704, subclass 26). Furthermore, the examiner did not propose that the two groups of claims were accorded separate status in the art, nor that they would require a different field of search. Additionally, Applicant respectfully submits that the claimed inventions are neither independent nor distinct enough to warrant restriction between them. The present invention relates to “a system and method for pricing and ordering products over the Internet.”¹ Specifically, claims 1-57 describe methods for ordering a product, while claims 58-76 describe server systems for generating an order for a product. Applicant submits that the methods of claims 1-57 could not be practiced by hand; the methods of claims 1-57 rely upon the systems of claims 58-76 in order to operate. Therefore, claims 1-57 and 58-76 are connected in design, operation and effect, and therefore, are not independent or distinct. MPEP § 808.01; 806.05(e).

¹ Applicant’s specification, pg. 1, lines 1-3.

In view of the foregoing, the Applicant respectfully requests that the Restriction Requirement be withdrawn upon reconsideration.

As this reply is being timely filed within one (1) month from the mailing date of this Restriction Requirement, Applicant believes that there is no fee due for the filing of this response. If this is incorrect, however, the Commissioner is authorized to charge any additional fees that may be due to **Deposit Account No. 04-1448**.

Should the Examiner have any questions, the Examiner is encouraged to telephone the undersigned representative at the number listed below.

Respectfully submitted,

Date: 04/04/03


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